IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 15TH MARCH 2007 / 24TH PHALGUNA 1928

Crl.Rev.Pet.No. 434 of 2007(E)

CRA.308/2005 of ADDL. SESSIONS COURT FAST TRACK COURT (ADHOC)-II, ALAPPUZHA

CC.440/2003 of JUDL.MAGISTRATE OF FIRST CLASS-II(MOBILE),ALAPPUZHA

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REVN. PETITIONER: APPELLANT/ACCUSED:

MATHEW C.MATHEW,
ADVOCATE, S/O. C.V.MATHEW, MATHEW C.MATHEW AND SON
AMCW 46/781, SEA VIEW WARD, ALLEPPEY FROM
CHIRAYIL HOUSE, KATTOOR MURI, KALAVOOR VILLAGE,
KALAVOR (P.O), ALAPPUZHA.

BY ADV. SRI.R.BINDU (SASTHAMANGALAM)

RESPONDENTS: RESPONDENTS/COMPLAINANT & STATE:

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1. THAJUDEEN, S/O. UMMAR,
KANANA HOUSE, MUNICIPAL OFFICE WARD,
ALLEPPEY WEST VILLAGE, ALLEPPEY.

2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTORMR. C.M.KAMMAPPU
SRI.C.A.CHACKO

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 15/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.R.P.NO.434 of 2007

DATED THIS THE 15th day of March 2007

ORDER

The revision petitioner stands convicted for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for three months and to pay a sum of Rs.1,44,000/- as compensation to the complainant under Section 357(3)Cr.P.C. and in default to undergo simple imprisonment for three months. The accused is also ordered to pay to the complainant Rs.2,000/- which if not paid the accused shall undergo simple imprisonment for 15 days under Section 359 Cr.P.C.The revision petitioner has only sought for modification of sentence and time to make the payment of compensation.

In the circumstances, the sentence is modified to imprisonment till the rising of the court and to pay a compensation of Rs.1,44,000/- to the complainant under Section 357(3)Cr.P.C.and in default to undergo simple imprisonment for three months. The revision petitioner is granted six months time

to pay the amount of compensation. He shall appear before the Judicial Magistrate of First Class -II (Mobile) on Alappuzha 15-8-2007 to receive sentence. Non -bailable warrant is not to be executed in the meantime. The Crl.revision petition is disposed of accordingly.

ks.

K.R.UDAYABHANU, JUDGE